



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,515	12/22/2000	Turkka Keinonen	4925-78	1742

7590

02/09/2005

Michael C. Stuart, Esq.
Cohen, Pontani, Leiberman & Pavane
Suite 1210
551 Fifth Avenue
New York, NY 10176

EXAMINER

ZEWDU, MELESS NMN

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,515

Applicant(s)

KEINONEN ET AL.

Examiner

Meless N Zewdu

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14,15,18-23 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14,15,18-23 and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on 11/23/04.
2. Claims 1-13, 16-17 and 24-34 have been cancelled.
3. Claims 35-37 have been added.
4. claims 14-15, 18-23 and 35-37 are pending in this action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 recites the limitation "the second party" in lines 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 15, 19-23 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich (US 6,175,741 B1) in view of Schroeder et al. (Schroeder) (US 6,032,053). For examination purposes, claim 35 has been considered first.

As per claim 35: a method of informing a party associated with a data object that said data object has been created by a user of a mobile terminal in which said data object is

currently being stored reads on '741 (see fig. 2; abstract; col. 2, line 51-col. 3, line 6), comprising the steps of:

associating a data object with an associated mobile terminal of an associated party, whereby said associated data object comprises association data identifying at least said associated mobile terminal, wherein said associated mobile terminal has a wireless link with a wireless communication network reads on 741 (see fig. 2; col. 2, line 51-col. 3, line 6; col. 4, line 17-43). Examiner considers/interprets the associated mobile terminal as a receiving mobile terminal.

storing said associated data object in a memory of a storing mobile terminal (transmitting mobile terminal) said associated data object being capable of activation by a user of said storing mobile terminal reads on '741 (see col. 4, lines 16-43; col. 6, line 21-col. 7, line 22). Sending is activating. But, Alperovich does not explicitly teach about transmitting a notifying message via the wireless communication network to the associated mobile terminal of the associated party whenever a user of said storing mobile terminal activates said associated data object and when the associated mobile terminal receives said notifying message, presenting an auditory, visual, and/or tactile signal to the associated party thereby informing the associated party that the associated data object stored on the storing mobile terminal has been activated by the user of said storing mobile terminal, as claimed by applicant. However, in a related field of endeavor, Schroeder teaches about signaling the type of incoming telephone calls (see title) wherein the technique includes using distinctive signaling to distinguish incoming voice calls from incoming data messages and different incoming call/message

Art Unit: 2683

indicators like vibratory, auditory, and visual or combination of them are used to alert a recipient or a called party upon detecting an incoming call or message (see col. 7, line 63-col. 8, line 42; col. 15, line 36-col. 17, line 28). These indicators/notifying signals are detected from a message/call activated by a calling party. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Wright with that of Schroeder for the advantage of distinguishing incoming voice calls from incoming data messages (see col. 1, lines 57-64). Note: The distinctive signaling provided by Wright, not only alerts/notifies a recipient that a message/call is coming, but it also tells the type of the incoming call/message.

As per claim 36: the features of claim 36 are similar to the features of claim 35. Hence, claim 36 is rejected on the same ground and motivation as claim 35. Few notable, different limitations are that in claim 36, the data object is associated with a transmitting terminal of a party associated with the data object and the notifying message is also received by the transmitting mobile terminal. Since, these features appear to examiner as reversal of roles featured by the devices of claim 35, it would have been obvious for one of ordinary skill in the art that in two-way communication systems, a transmitting device can become a receiver and a receiver can become a transmitter.

As per claim 37: the features of claim 37 are similar to the features of claim 35. Hence, claim 37 is rejected on the same ground and motivation as claim 35. A difference limitation in claim 37 is – associating an electronic representation with an associated mobile terminal of an associated party. Examiner considers the messages/calls

Art Unit: 2683

exchanged in the above systems as electronic representation of associated terminals and parties.

As per claim 14: the method further comprising the step of:

storing contact information about the associated the party in one of the storing terminal and a network element accessible to the storing mobile terminal reads on '741 (see col. 2, line 51-col. 3, line 6).

As per claim 15: the method, wherein said associated data comprises data regarding at least one of a source, origin, target, and subject of said data object reads on '741 (see col. 2, line 51-col. 3, line 6).

As per claim 19: the method, wherein the notifying message comprises at least one of a plurality of different types of notifying messages available to send to the second party reads on '053 (see col. 7, line 63-col. 8, line 20).

As per claim 20: the method, wherein the step of presenting the auditory, visual, and/or tactile signal to the associated party comprises the step of imparting at least one of different types of vibrations to the associated party depending on which of the at least one of the plural different types of notifying messages has been received reads on '053 (see col. 1, lines 57-64; col. col. 7, line 63-col. 8, line 20).

As per claim 21: the method, wherein the plurality or different types of notifying messages comprises different personalized messages created by the user of the storing mobile terminal reads on '053 (see col. 1, line 40-col. 2, line 9). Distinctive rings signals are or (can be) personalized. This is evidenced by the message "Please call home" sent to a receiving party.

Art Unit: 2683

As per claim 22: the method, wherein the data object comprises at least one of an e-mail, a contact directory entry, a phone book entry, a short message service message, a text message, an image, a picture, a video clip, an audio clip, and an animation associated with the associated party reads on '053 (see col. 7, line 22-col. 8, line 42).

As per claim 23: the method, wherein activating the data object comprises one of accessing, reading, writing, drawing, editing, copying, forwarding, moving, renaming, combining, showing details of, attaching a message to, using, listening to, and viewing the data object reads on '053 (see col. 7, line 63-col. 8, line 42).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to the claims above, and further in view of Ericsson Inc. (RD 417007 A).

As per claim 18: but, the above references do not explicitly each about a method, wherein the auditory, visual, and/or tactile signal is presented by one of the associated terminal and a device linked to the associated terminal with short range wireless communication link, as claimed by applicant. However, in a related field of endeavor, the above cited Ericsson publication teaches that a called party can be notified of an incoming call arrival by a remote signaling device, using a short range communication (see basic abstract). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the above references with the teaching of the Ericsson document/publication for the advantage of added call screening facilities, including identification and classification of incoming calls (see advantage).

Response to Arguments

Applicant's arguments with respect to claims 14-15, 18-23 and 35-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu

M, Z

Examiner

04 February 2005.